

06203479

File No.: J3672

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FILED

MAR 23 2007 10

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

MICHAEL HERRING,

Plaintiff,

v.

**ASSOCIATED MARINE INSTITUTES, INC.,
a Florida Not For Profit Corporation,
individually and d/b/a INFINITY SCHOOLS
OF CHICAGO, NFP an Illinois Not For
Profit Corporation a/k/a INFINITY
SCHOOLS, INC., a Florida Not For Profit
Corporation, INFINITY SCHOOLS
OF CHICAGO, NFP an Illinois Not For
Profit Corporation aka INFINITY
SCHOOLS, INC., a Florida Not For Profit
Corporation,**

Defendants.

07CV1653

JUDGE PALLMEYER

MAG.JUDGE SCHENKIER

Plaintiff demands trial by jury

COMPLAINT

Plaintiff, **MICHAEL HERRING**, by his attorneys, **JAMES A. KARAMANIS, ZANE D. SMITH** and **ANDRE ORDEANU** and pursuant to Section 706 of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981, complains of Defendants, **ASSOCIATED MARINE INSTITUTES, INC., a Florida Not For Profit Corporation, individually and d/b/a INFINITY SCHOOLS OF CHICAGO, NFP an Illinois Not For Profit Corporation a/k/a INFINITY SCHOOLS, INC., a Florida Not For Profit Corporation, INFINITY SCHOOLS OF CHICAGO, NFP an Illinois Not For Profit Corporation a/k/a INFINITY SCHOOLS, INC., a Florida Not For Profit Corporation,** as follows:

THE PARTIES

1. Plaintiff, Michael Herring is a resident of the County of Cook, State of Illinois.
2. Defendant, ASSOCIATED MARINE INSTITUTES, INC., is a Florida Not For Profit Corporation.

3. INFINITY SCHOOLS OF CHICAGO, NFP is an Illinois Not For Profit Corporation
4. INFINITY SCHOOLS, INC., is a Florida Not For Profit Corporation.

JURISDICTION AND VENUE

4. Jurisdiction is proper pursuant to the Americans with Disabilities Act, 42 U.S.C. §12117.
5. All conditions precedent to jurisdiction under Americans with Disabilities Act, 42 U.S.C. §12117 have occurred or have been complied with, to wit:
 - a. A charge of discrimination was filed with the Equal Employment Opportunity within 180 days of discovery of the commission of the unlawful employment practice.
 - b. Notification of Right to Sue was received from the Equal Employment Opportunity Commission on December 27, 2006.
 - c. This Complaint has been filed within 90 days of receipt of the Notification of Right to Sue.
6. The unlawful employment practices and discrimination alleged herein were committed within the State of Illinois.
7. The Defendants employ more than fifteen (15) employees.

COUNT I

8. In November, 2004 Plaintiff began his employment with Defendant, INFINITY SCHOOLS OF CHICAGO, INC.
9. After beginning his employment with Defendant, Plaintiff was injured within the scope of his employment and filed a Worker's Compensation Claim.
10. During the prosecution of Plaintiff's Worker's Compensation Claim, Plaintiff's medical records were forwarded to Defendant and said records disclosed Plaintiff's disability which makes him part of a class of persons protected under the Americans with Disabilities Act, 42 U.S.C. §12117.
11. Plaintiff was released by his physician to return to work in May of 2005.

12. Upon informing Defendant that he was able to return to work, Defendant informed Plaintiff was terminated.

13. Defendant, INFINITY SCHOOLS OF CHICAGO, NFP a/k/a INFINITY SCHOOLS, INC., has violated the the Americans with Disabilities Act, 42 U.S.C. §12117 by terminating Plaintiff's employment based solely on his disability.

14. Defendant, ASSOCIATED MARINE INSTITUTES, INC., has violated the the Americans with Disabilities Act, 42 U.S.C. §12117 by condoning Defendant, INFINITY SCHOOLS OF CHICAGO, NFP a/k/a INFINITY SCHOOLS, INC. termination of Plaintiff's employment based solely on his disability.

15. Plaintiff demands trial by jury.

WHEREFORE, Plaintiff prays that this Court:

- a. Find and hold that the Plaintiff has suffered from acts of discrimination at the hands of defendants or their agents, servants and employees;
- b. Order that Plaintiff be awarded:
 1. Damages for lost salary and employment benefits that Plaintiff would have earned had Defendants not terminated him;
 2. Compensatory damages in an amount in excess of \$300,000.00;
 3. Attorney's fees and costs; and
 4. Such other relief as this Court deems just.


James A. Karamanis

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